

H. Res. 57

In the House of Representatives, U.S.,

October 4, 1999.

Whereas interference with freedom of the press and the independence of judicial and electoral institutions in Peru contributes to an erosion of democracy and the rule of law in Peru;

Whereas freedom of the press in Peru is under assault, and the Department of State's Peru Country Report on Human Rights Practices for 1998, found that "[t]he Government infringed on press freedom [* * * and] [j]ournalists faced increased harassment and intimidation";

Whereas the Department of State's Peru Country Report on Human Rights Practices for 1997, found that "[i]ncidents of harassment of media representatives increased to such an extent as to create the perception of an organized campaign of intimidation on the part of the Government, specifically, on the part of the armed forces and intelligence services";

Whereas the Organization of American States' Special Rapporteur on Freedom of Expression has called on the Government of Peru to cease all official harassment of journalists and to investigate and prosecute all abuses of freedom of speech and of the press;

Whereas Freedom House now classifies Peru as the only country in the Western Hemisphere, other than Cuba, where the press is “not free”;

Whereas the Department of State’s Peru Country Report on Human Rights Practices for 1997 states that Channel 2 television station reporters in Peru “revealed torture by Army Intelligence Service officers [and] the systematic wiretapping of journalists, government officials, and opposition politicians”;

Whereas on July 13, 1997, the Government of Peru revoked the Peruvian citizenship of the Israeli-born owner of the Channel 2 television station, Baruch Ivcher, effectively removing him from control of Channel 2, leading the Department of State to conclude that “the Government’s action in this case was widely interpreted as an attempt to prevent the station from broadcasting any more negative stories about the regime”;

Whereas the Government of Peru has issued an INTERPOL warrant for Baruch Ivcher’s arrest and brought criminal proceedings against him, against members of his immediate family, and against his former associates to secure lengthy prison sentences against them;

Whereas the Inter-American Commission on Human Rights found human rights violations against Baruch Ivcher by the Government of Peru in this case and on March 31, 1999, submitted the case to the Inter-American Court of Human Rights;

Whereas persecution of journalists in Peru is so grave that several Peruvian journalists have sought political asylum in the United States;

Whereas actions related to efforts to authorize President Alberto Fujimori to seek a third term in office have raised questions about the independence of the National Election Board in Peru;

Whereas the independence of Peru's judiciary has been brought into question since the dismissal of 3 Constitutional Tribunal magistrates on May 29, 1997, and by continuing control of judicial matters by the executive branch; and

Whereas the Inter-American Commission on Human Rights has called on the Government of Peru to reinstate the 3 dismissed magistrates, enabling the Constitutional Tribunal to rule on constitutional issues, to fully restore the National Council of the Judiciary's power to nominate and dismiss judges and prosecutors, and to cease the recurring practice of overruling, transferring, or removing judges whose decisions did not coincide with the views of the Government of Peru: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the erosion of the independence of judicial and electoral branches of the Government of Peru, the interference with freedom of the press, and the blatant intimidation of journalists in Peru constitute a threat to democracy in that country and are matters for concern by the United States as a member of the Inter-American community;

(2) the United States Government and other members of the Inter-American community should review the

forthcoming report of an independent investigation conducted recently by the Inter-American Commission on Human Rights of the Organization of American States on the condition of and threats to democracy, freedom of the press, and judicial independence in Peru; and

(3) representatives of the United States in Peru and to international organizations, including the Organization of American States, the World Bank, the Inter-American Development Bank, and the International Monetary Fund, should make clear the concern of the United States concerning threats to democracy and violations of the rule of law in Peru.

Attest:

Clerk.